IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 37818 of 2004(B)

PETITIONER:

M/S. AMMINI ENERGY SYSTEMS (P) LTD.,
SEKT-10, KURUPS LANE, SASTHAMANGALAM, T.C.9/2048,
THIRUVANANTHAPURAM, REPRESENTED BY ITS
MANAGING DIRECTOR, K.G. MADHU.

BY ADV. SRI.P.PARAMESWARAN NAIR

RESPONDENTS:

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1. CHALISSERY GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, CHALISSERY,PALAKKAD.

2. THE PRESIDENT,
CHALISSERY GRAMA PANCHAYAT, CHALISSERY,PALAKKAD.

3. M/S. USHA ELECTRONICS,
`SOPANAM', 1/431 A, THRITHALA ROAD, KOOTTANAD.

BY GOVERNMENT PLEADER SRI. MANOJ KUMAR
ADV. SRI.P.T.DINESH
SMT.SUSMITHA P.MALLAYA
SRI.RAJU SEBASTIAN VADAKKEKKARA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE QUOTATION No.A2-366/2004-2005 DATED 06.12.2004.

EXT.P2: COPY OF THE OFFER SUBMITTED BY THE PETITIONER AES/M&S/ lb/ 2004-2005/ CHALISSERY DATED 14.12.2004.

EXT.P3: COPY OF THE TENDER COMPARISON STATEMENT DATED 17.12.2004.

EXT.P4: COPY OF THE PERMANENT REGISTRATION CERTIFICATE.

EXT.P5: COPY OF THE PERMANENT ENLISTMENT CERTIFICATE ISSUED BY THE NATIONAL SMALL INDUSTRIES CORPORATION LIMITED.

EXT.P6: COPY OF THE ISO 9001:2000 CERTIFICATE ISSUED BY THE GOVERNMENT OF INDIA.

EXT.P7: COPY OF THE CHART OF LOCAL BODIES TO SHOW THAT THE PETITIONER IS THE ONLY FIRM IN KERALA MANUFACTURED, SUPPLIED AND MAINTAINED THE CFL STREET LIGHT IN HUGE QUANTITIES.

EXT.P8: COPY OF THE KERALA STATE ENERGY CONSERVATION AWARD 1999 BY THE GOVERNMENT OF KERALA DATED 14.12.1999.

EXT.P9: COPY OF THE KERALA STATE ENERGY CONSERVATION CERTIFICATE 2000 DATED 14/12/2000.

EXT.P10 & P11: COPY OF THE SALES TAX REGISTRATION CERTIFICATES NO.1111 8001 AND 1111 3001.

EXT.P12: COPY OF THE SERVICE TAX REGISTRATION CERTIFICATE ISSUED BY THE DEPARTMENT OF REVENUE, MINISTRY OF FINANCE.

EXTS.P13 & 14: COPY OF THE CLARIFICATION LETTER FROM THE CENTRAL EXCISE DEPARTMENT TO THE KERALA GRAMA PANCHAYAT ASSOCIATION DATED 17.5.2004 AND A REPORT PUBLISHED IN A VERNACULAR DAILY DATED 12/10/2003.

EXT.P15: COPY OF THE LETTER NO.AES/M&S/LB/GP/2004-2005/CHALISSERY DATED 23.12.2004 SENT BY THE PETITIONER TO THE SECRETARY.

EXT.P16: COPY OF THE ORDER BO.No.1329/98 (Plg.Com.3515/98) DATED 20.6.98.

EXT.P17: COPY OF THE POST TENDER NEGOTIATIONS WITH THE SECOND LOWEST TENDERER OR OTHERS HAD BEEN BANNED VIDE CIRCULAR 8(1)(11) 98(1) DATED 18.11.1998

RESPONDENTS EXHIBITS:

EXT. R3(1): COPY OF THE SALES TAX REGISTRATION CERTIFICATE NO.31177177 DATED 4.4.2003 ISSUED BY THE SALES TAX OFFICER, PATTAMBI.

EXT.R3(2): COPY OF THE CERTIFICATE NO.31172177 DATED 4.4.2003 ISSUED BY THE SALES TAX OFFICER, PATTAMBI.

EXT.R3(3): COPY OF THE CERTIFICATE OF REGISTRATION DATED 3.12.2004 ISSUED BY THE SUPERINTENDENT OF CENTRAL EXCISE, OTTAPPALAM RANGE.

EXT.R3(4): COPY OF THE CERTIFICATE OF REGISTRATION DATED 3.12.2004 ISSUED BY THE MANAGER, DISTRICT INDUSTRIES CENTRE, PALAKKAD.

EXT.R3(5): COPY OF THE CERTIFICATE DATED 15.12.2003 ISSUED BY THE INDUSTRIAL EXTENSION OFFICER, THRITHALA BLOCK PANCHAYATH.

EXT.R3(6): COPY OF THE NOTICE NO. A2-366/2004-2005 DATED 6.12.2004 BY THE 1ST RESPONDENT.

EXT.R3(7): COPY OF THE FULL FORM OF THE ADVERTISEMENT FOR QUOTATION.

EXT.R3(8): COPY OF THE PRELIMINARY AGREEMENT BY 3RD RESPONDENT AND THE FIRST RESPONDENT DATED 17.12.2004.

EXT.R3(9): COPY OF THE BLANK STAMP PAPER PRODUCED BY THE PETITIONER COMPANY AS PRELIMINARY AGREEMENT.

EXT.R3(10): COPY OF THE DECISION NO.1(2) OF THE ORDINARY MEETING DATED 22.12.2004 BY THE 1ST RESPONDENT.

EXT.R3(11): COPY OF THE RELEVANT PART OF THE TENDER REGISTER.

EXT.R3(12): COPY OF THE QUOTATION NO.USHA/M&S/LB/QTN/2004 DATED 17.12.2004.

EXT.R3(13): COPY OF THE TEXT CERTIFICATE NO.PT 0023 DATED 28.11.2003 BY THE DOEACC CENTRE CALICUT.

EXT.R3(13)(a): COPY OF THE TEXT CERTIFICATE NO.PT 0046 DATED 29.12.2004 BY THE DOEACC CENTRE CALICUT.

EXT.R3(13)(b): COPY OF THE TEST CERTIFICATE BY THE DEPARTMENT OF ELECTRICAL ENGINEERING, GOVERNMENT ENGINEERING COLLEGE, THRISSUR.

EXT.R3(14): COPY OF THE LETTER BY THE CHAIRMAN, KOTHAMANGALAM MUNICIPAL COUNSEL.

EXT.R3(14)(a): COPY OF THE LETTER DATED 31.10.2001 BY THE PRESIDENT PARLI SPECIAL GRADE PANCHAYATH.

EXT.R3(14)(b): COPY OF THE DECISION NO.445 DATED 20.10.2001 BY THE KADANGODE GRAMA PANCHAYAT.

EXT.R3(14)(c): COPY OF THE LETTER DATED 22.10.2001 BY THE PRESIDENT, KOTTAYI GRAMA PANCHAYAT TO THE STORE PURCHASE DEPARTMENT.

EXT.R3(14)(d): COPY OF THE LETTER NO.H.C.5693/99 DATED 1.1.2001 BY THE CHAIRMAN, MUCATTUPUZHA MUNICIPALITY.

EXT.R3(14)(e): COPY OF THE LETTER DATED 27.5.2000 BY THE MUNICIPAL SECRETARY, THRIPUNITHURA.

EXT.R3(14)(f): COPY OF THE LETTER NO.E2-G1-3589/1999(67) DATED 6.6.2001 BY SECRETARY, PERUMBAVUR MUNICIPALITY.

EXT.R3(15): COPY OF THE AGREEMENT NO.2/2004-05 DATED 3.1.2005 BY THE 3RD RESPONDENT WITH THE 1ST PETITIONER.

EXT.R3(16): COPY OF THE INVOICE NO.15 DATED 4.1.2005 DULY ACKNOWLDEGED BY THE 1ST RESPONDENT.

EXT.R1(a): COPY OF THE DECISION DTD. 22.12.2004 OF CHALLISSERY GRAMA PANCHAYAT.

EXT.R1(b): COPY OF THE CONCERNED PAGE OF THE STOCK REGISTER FORM.

EXT.R1(c): COPY OF THE CERTIFICATE DTD.3.12.2004 ISSUED BY SUPERINTENDENT OF CENTRAL EXCISE, OTTAPPALAM RANGE.

TRUE COPY

P.A.TO JUDGE

KURIAN JOSEPH, J.

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W.P.(C)NO.37818 OF 2004

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Dated this the 2nd day of April 2007

JUDGMENT

The issue pertains to the award of the contract during the year 2002. In case the petitioner has still any grievance left, it will be open to the petitioner to work out the same before the Civil Court. Writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE

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